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Attorneys for the United States of America

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

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|--|---|-----------------------------------|
| UNITED STATES OF AMERICA and DONNA DILORETO, Revenue Officer, |) | |
| Petitioners, |) | Case No.: 3:08-CV-00108-JL |
| v. |) | |
| ELLIS RAY MOSELEY, |) | DECLARATION OF |
| Respondent. |) | THOMAS M. NEWMAN |

I, THOMAS M. NEWMAN, pursuant to 28 U.S.C. § 1746, declare and state as follows:

1. I am a duly-appointed Assistant United States Attorney for the Northern District of California, and an officer of this Court, with office as above shown, and an attorney appearing of record for the United States in the above-entitled action.

2. This declaration is made in accordance with Civil L.R. 6-3 in furtherance of a Motion to Change Time of the Order to Show Cause hearing currently set for March 12, 2008. Dckt. No. 3.

3. A copy of the Petition, Court's Case Management Order, and the Order to Show Cause was personally served on respondent Ellis Ray Moseley on January 25, 2008.

4. In an effort to resolve this matter informally, I spoke with Mr. Moseley on January 30, 2008, who expressed a willingness to comply with the IRS summons.

5. Since that date, Mr. Moseley has informed me that he is in the process of gathering the information requested in the summons. Mr. Moseley stated that he arranged for his

1 accountant to prepare several unfiled tax returns on two separate occasions, which he has since
2 supplied to the IRS. In addition, Revenue Officer Donna DiLoreto confirmed that Mr. Moseley
3 has supplied her with these records and is working with Mr. Moseley in obtaining the remaining
4 information.

5 6. I mailed, but did not receive a stipulation continuing the hearing. However,
6 during my discussion with Mr. Moseley, he agreed to extend the March 12, 2008 hearing so that
7 he could gather the remaining information and eliminate the need for any hearing. As a separate
8 matter, I will be unavailable from February 29, 2008, until March 12, 2008, and would be unable to
9 file a stipulation even if it were received at this point.

10 7. Neither party will be prejudiced from this delay, which would allow the parties
11 additional time to resolve this matter informally.

12 Executed on this 27th day of February, 2008.

13 /s/Thomas M. Newman
14 THOMAS M. NEWMAN
15 Assistant United States Attorney
16 Tax Division
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